

INTRODUCTION OF "THE TORTURE OUTSOURCING PREVENTION ACT"
STATEMENT BY REP. EDWARD J. MARKEY (D-MA)

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Mr. Speaker, Today I am proud to introduce legislation that would prohibit the outsourcing of torture by the United States Government.

The practice of extraordinary rendition, the extra-judicial transfer of people in U.S. custody either in this country or abroad to nations known to practice torture, has until recently received little attention due to the secrecy surrounding such transfers. Attention was first drawn to the practice after the case of Maher Arar, a Canadian citizen, first came to light. Mr. Arar was seized in 2002 while in transit to Canada through JFK airport in New York, and was sent to Jordan and later Syria by the U.S. Government. While in Syria, Arar reportedly was tortured and held in a dark, 3-by-6-foot cell for nearly a year. He was ultimately released and detailed his story to the media upon his return to Canada. Since that time, other press reports have identified renditions elsewhere around the world, such as the transfer of an Australian citizen, Mamdouh Habib, from Pakistan to Egypt, where he was reportedly tortured.

Extraordinary rendition is wrong because it:

- Violates international treaties that the United States has signed and ratified, including most notably Article 3 of the Convention Against Torture, which prohibits sending a person to another state "where there are substantial grounds for believing that he would be in danger of being subjected to torture."
- Undermines the moral integrity of America in the eyes of the world.
- Ensures that American captives are likely to be tortured by others out of reciprocity, regardless of the urgency of the pleas of our government or the victim's family.

Although the total numbers of those "rendered" by the Bush Administration are unknown, then-CIA director George Tenet testified to the 9/11 Commission in October 2002 that over 70 people had been subjected to renditions prior September 11. Human rights organizations including Amnesty International, Human Rights Watch, the Center for Constitutional Rights and the ACLU have detailed numerous other cases that may also involve rendition to countries that practice torture. Last year, the Canadian government launched an investigation into Arar's case, but the U.S. State Department has refused to cooperate with the Canadian investigation.

The bill I am introducing today directs the State Department to compile a list of countries that commonly practice torture or cruel, inhuman or degrading treatment during detention and interrogation, and prohibit rendition to any nation on this list. The bill explicitly permits legal, treaty-based extradition, in which suspects have the right to appeal in a

U.S. court to block the proposed transfer based on the likelihood that they would be subjected to torture or other inhumane treatment.

Torture is morally repugnant whether we do it or whether we ask another country to do it for us. It is morally wrong whether it captured on film or whether it goes on behind closed doors unannounced to the American people. President Bush has asserted that ‘the values of this country are such that torture is not a part of our soul and our being.’ I agree.

The legislation I am introducing today is designed to ensure that we not only outlaw torture conducted directly by U.S. government personnel, but that we also stop any practice which involves outsourcing or contracting out torture to other nations.

I urge Members to join in cosponsoring this legislation.